

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NETHERBY LIMITED,

Plaintiff,

-against-

JONES APPAREL GROUP, INC. and JONES
INVESTMENT CO., INC.,

Defendants.

04 CV 07028 (GEL)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Melissa J. LaRocca dated March 3, 2005, the exhibits thereto, and upon all prior pleadings and proceedings had herein, plaintiff Netherby Limited ("Netherby") will move this Court before the Honorable Gerard E. Lynch, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 803, New York, New York 10007, on March 22, 2005, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an Order pursuant to Federal Rule of Civil Procedure 28(b)(2) and 28 U.S.C. § 1781(b)(2), issuing letters rogatory to permit the production of documents from and the taking of depositions of witnesses located outside the United States.

Dated: March 7, 2005

CHADBOURNE & PARKE LLP

By: /s/ Thomas J. Hall
Thomas J. Hall (TH 3398)
Attorneys for Plaintiff Netherby Limited
30 Rockefeller Plaza
New York, New York 10112
(212) 408-5100

TO: DUANE MORRIS LLP
Attorneys for Defendants
380 Lexington Ave.
New York, New York 10168
Attn: Karen Frieman, Esq.